

REMARKS

Claims 1-31 are pending in the present patent application. Claims 1-31 stand rejected.  
This application continues to include claims 1-31.

The Examiner has maintained the rejection of claims 1, 11, and 22 under 35 U.S.C. 102(e) as being anticipated by Johnson, et al. (U.S. Patent 6,402,290). Applicants request reconsideration of the rejection of claims 1, 11, and 22 in view of the following. Applicants incorporate by reference all previous arguments made with respect to claims 1, 11 and 22, as set forth in Applicants' Response, in response to the Office Action of February 13, 2003.

It is the Examiner's position that in Johnson, "the movement of the pallet is dependent upon the movement of the sled." The Examiner further states that, "Since the movement of the spit containment device is dependent on the movement of the pallet, it can also be considered that the movement of the pallet is dependent on the movement of the sled." (Emphasis Added). Such a position, however, is inconsistent with the teaching of Johnson, et al. for the reasons that follow.

As disclosed in Johnson, Figs. 2, 4 and 5, pallet 72 supports cleaner unit 86, included in a generic cleaner unit assembly 100 that includes a base 102 defining a spittoon chamber 108 (containing pad 124) and defines cap ramps 110 which in turn support cap sled 150 (having cam followers 152). Johnson, et al. col. 7, ll. 33-45, ll. 57-60; col. 8, ll. 2-6; col. 9, ll. 14-19. It is further disclosed in Johnson, et al., "Use of the cam surfaces 110, 182 and cam followers 152 advantageously eliminates the need for two axis service station actuation because capping is achieved through pure linear motion of pallet 72, without requiring rotation or combinations of rotational and translating motion to achieve capping." (See, 2001-0617.00/LII0403.US

Johnson, et al., column 15, lines 60-65; emphasis added). As such, movement of pallet 72 results in movement of spittoon chamber 108 since spittoon chamber 108 is carried in fixed relation to pallet 72, and movement of pallet 72 results in movement of cap sled 150, but clearly there is no interaction between cap sled 150 and spittoon chamber 108, let alone an interaction that would result in the “spit containment device ... being horizontally movable in response to movement of said sled”, as recited for example, in claim 1.

Thus, contrary to the Examiner’s contentions, it cannot also be considered that the movement of the pallet is dependent on the movement of the sled. Rather, it is clear from Johnson, et al. that the opposite is true: in Johnson, et al. the sled movement is dependent on the movement of the pallet, and thus, in Johnson, et al. *movement of cap sled 150 is in response to movement of spittoon 108*, which is the opposite of Applicants’ claimed invention.

Accordingly, Johnson, et al. does not, and cannot, disclose teach or suggest a “spit containment device having a fixed vertical position and being horizontally movable in response to movement of said sled”, as recited for example, in claim 1.

Claim 11 is directed to an ink jet printer. Claim 11 recites a maintenance station including a fixed support housing; a sled supported on said support housing and being movable relative to said support housing in both a horizontal direction and a vertical direction; and a spit containment device configured to receive ink spit from said printhead, said spit containment device having a fixed vertical position relative to said printhead and being horizontally movable in response to movement of said sled.

For substantially the same reasons as set forth above with respect to claim 1, Applicants submit that Johnson, et al., does not disclose, teach, or suggest the subject matter of claim 11.

Claim 22 is directed to a maintenance station for a printer. Claim 22 recites a fixed support housing; a sled supported on said support housing and being movable relative to said support housing in both a horizontal direction and a vertical direction; and a spit containment device configured to receive spit ink, said spit containment device having a fixed vertical position and being horizontally movable relative to said support housing.

The Examiner relies on base 102 to correspond to Applicants' recited fixed support housing. Johnson, et al. discloses a generic cleaner unit assembly 100, including cleaner units 80-86, that includes base 102 defining the spittoon chamber 108 (containing pad 124). Johnson, et al. col. 7, ll. 33-45, ll. 57-60; col. 8, ll. 2-6. It is clear from Johnson, et al. Figs. 4 and 5 that spittoon chamber 108 does not move horizontally relative to base 102, since they form a unitary structure. Accordingly, Applicants submit that Johnson, et al., does not disclose, teach, or suggest the subject matter of claim 22.

Accordingly, for at least the reasons set forth above, Applicants believe that claims 1, 11, and 22 are in condition for allowance in their present form, and thus respectfully request that the rejection of claims 1, 11, and 22 under 35 U.S.C. 102(e) be withdrawn.

Claims 2-10, 12-20, and 23-31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson, et al., in view of Lou, et al. (U.S. Patent 5,997,128). Applicants request reconsideration of the rejection of claims 2-10, 12-20, and 23-31 in view of the following.

Applicants incorporate by reference all previous arguments made with respect to claims 2-10, 12-20, and 23-31, as set forth in Applicants' Response, in response to the Office Action of February 13, 2003.

Claims 2-10, 12-20 and 23-31 are believed allowable due to their respective dependence on an otherwise allowable base claim, e.g., 1, 11 or 22. In addition, claims 2-10, 12-20 and 23-31 further and patentably define the present invention over the cited references, and accordingly, are patentable in their own right.

In a change from a previous interpretation of Johnson, et al., the Examiner now asserts that with regard to claims 5, 8, 15, 26 and 29, "spittoon 108 [of Johnson, et al.] is viewed as a slot, and the chimney of Lou introduces serves (sic.) as the projection/rib being received by the existing slot. The broad claims would also allow ink drops to be viewed as a projection received by the spittoon slot (though this interpretation was not used in the above rejection." In the rejection, the Examiner states that, "The combination [of Lou, et al. with Johnson, et al.] naturally suggests the chimney having at least one projection received in the at least one slot and the chimney having at least one substantially vertical rib, the rib being received in a corresponding slot . . . ." Applicants respectfully disagree.

As an example, Applicants claims 2-5 are progressively dependent from claim 1, wherein claim 5 recites that the support housing includes at least one substantially horizontal slot, and that the spit containment device in the form of a chimney has at least one projection that is received in the at least one slot in the support housing. The Examiner, however, relies on the base 102 of Johnson, et al. as corresponding to the recited support housing, and now asserts that spittoon 108, formed in base 102, corresponds to the recited slot, and it is further

noted that the Examiner has relied on spittoon 108 to correspond to Applicants' recited spit containment device. However, the Examiner relies on Lou column 2-10 which discloses that it is known that a spittoon can be in the form of a chimney. Applicants do not follow the Examiner's logic. To achieve the arrangement suggested by the Examiner, one would have to insert the spittoon chimney of Lou, et al., which the Examiner fails to identify, into the spittoon 108 of Johnson, et al. The references clearly provide no suggestion to make such a combination.

Lou, et al., discloses an auxiliary spittoon chimney 200 defined by a U-shaped channel wall 202, extending upwardly from the service station base 60. However, to suggest that one would be motivated to insert the auxiliary spittoon chimney 200 of Lou, et al. into the spittoon 108 of Johnson, et al. in attempting to achieve the claimed invention is akin to impermissible hindsight reconstruction of Applicants' claims. There simply is no reason one skilled in the art would be motivated to make such a combination, since each reference discloses structure to perform its respective spittoon function.

Accordingly, Applicants contend that claims 2-10, 12-20, and 23-31 patentably define Applicants' invention over the cited references, Johnson, et al. in view of Lou, et al., for at least the reasons set forth above, and as previously stated in Applicants' Response in response to the Office Action of February 13, 2003. Accordingly, Applicants respectfully request that the rejection of claims 2-10, 12-20, and 23-31 under 35 U.S.C. 103(a) be withdrawn.

Claim 21 was rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson, et al., in view of Lou, et al., and in further view of Vega, et al. (U.S. Patent Application Publication No. 2002/0158941 A1). The Examiner maintains the grounds for the rejection of 2001-0617.00/LII0403.US

claim 21, and maintains that the combination of Vega, et al. with Johnson, et al. and Lou, et al. is proper.

Applicants incorporate by reference all previous arguments made with respect to claim 21, as set forth in Applicants' Response, in response to the Office Action of February 13, 2003. In any event, claim 21 is allowable due to its dependence on otherwise allowable base claim 11, and intervening claim 12.

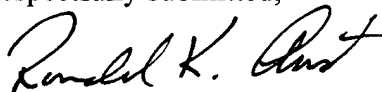
For the foregoing reasons, Applicants submit that no combination of the cited references teaches, discloses or suggests the subject matter of the pending claims. The pending claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorize that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

PATENT  
Response Under 37 CFR 1.116  
EXPEDITED PROCEDURE  
Group 2861

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (317) 894-0801.

Respectfully submitted,



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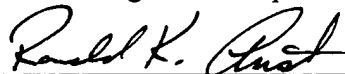
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